



Delegated Officer Report

Decision Maker:

Gerard Jones

Date of Decision:

17th January 2022

Subject:

Review of personal care and midday support funding for children and young people with an EHC plan

Report Sign-off:

Richard Lynch, Director of Education, Early Years and Skills

Report Author:

Anthony Shaw, SEND Team Manager and David Shaw, Assistant Director – SEND

Ward (s):

N/A

Reason for the decision:

Following review of existing EHC plans as part of the DSG/HNB financial management plan we have identified that 206 pupils are currently supported with additional funding to their schools/setting for 'personal care' and 'midday support'. These arrangements have not been reviewed since at least 2017 with funding reallocated each year on an ongoing basis.

The current cost of this support is £305,000 for pupils in year 3 and above. Following some initial consideration of the circumstances, we expect a significant proportion of children will have progressed sufficiently with regards to personal care and midday support requirements, and therefore will no longer require the additional funding.

The cost of extending the two fixed term posts for 12 months is £81,840 including on costs. The

service is confident that the far more than the cost of these posts will be saved through the review process over the 12month period. All savings realised will then continue to be realised each subsequent year, supporting the realisation and delivery of the DSG/HNB financial management plan.

The recommendation is to extend the 2 fixed term posts within the team for a period of 12 months up to the 28th February 2023. This will enable the financial benefits to be realised from the DSG/HNB following the review of personal care and midday support for children in Year 3 and above. It will also enable the annual review recovery plan to be completed and the work to promote independence and work readiness to continue at pace.

Summary:

To complete this review for each child will require reasonable time, expertise, and consideration by the SEND Officers. Due to the number of young people involved additional staffing resources is required to ensure this work is completed in a timely manner whilst not detracting from the business-as-usual work that remains ongoing.

The 8 existing full-time SEND officers maintain 2710 existing EHC plans and all new requests that are received. Each officer holds a caseload of c.338 EHC plans and completes casework, annual review updates and new EHC needs assessments. This is already a very high caseload in comparison with other boroughs and national averages of c.250 EHC plans per officer.

It is not currently feasible to complete this review with the existing team, as it would risk the timeliness of new EHC needs assessments and annual reviews. However, it is proposed that two fixed term posts are extended for 12months until the 28th February 2023 to ensure the review of the additional payments are completed. This will also enable several other key priorities to be completed by these officers and bring the overall caseload per officer down to c.270, which is still above the recommended level but a significant

improvement.

The fixed term posts are due to end on 28th February 2022 and were placed to cover MAT leave and other vacancies that have arisen during the year. SEND staff are difficult to recruit, with many tied to agencies at premium rates. Therefore, retaining the two officers that we have trained and supported to deliver a good standard of work is preferable, and more cost efficient, particularly as we have encountered a poor standard of work when we have worked with external plan writers.

The cost of extending the two fixed term posts for 12 months is £81,840 including on costs. The service is confident that the far more than the cost of these posts will be saved through the review process over the 12month period. All savings realised will then continue to be realised each subsequent year, supporting the realisation and delivery of the DSG/HNB financial management plan.

In addition to the financial benefits to the DSH/HNB, the annual review recovery plan is currently 90% complete and is projected to be 93% complete by the 28th February 2022. Approval of this proposal would support the SEND Partnership's commitment to reach 100% at the earliest opportunity, whilst not risking business as usual activity.

Furthermore, these roles will also enable further review with adult social care regarding transition to adulthood for young people aged 18+. The focus of this work is to promote independence and employment readiness to avoid the need to continue education beyond 18 as the education outcomes in a young person's EHC plan should have been achieved in the majority of cases.

The recommendation is to extend the 2 fixed term posts within the team for a period of 12 months up to the 28th February 2023. This will enable the financial benefits to be realised from the DSG/HNB following the review of personal care and midday support for children in Year 3 and above. It will also enable the annual review recovery plan to be completed and the work to promote independence and work readiness to continue at pace.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: Do not extend

The team will continue to focus on statutory duties, completing the annual review recovery plan alongside other work. The review of personal care and midday support payments will only take place when capacity permits.

Option 2: Extend both contracts for 6 months

This will be a cost of £40,920 including on costs, both officers can commence with the review of personal care and midday support payments although it is expected that this will not be completed, along with the annual review recovery plan. The posts will also aid our ambitions relating to transitions and promoting independence, employment, and achievement of EHC plan outcomes.

Option 3: Extend both contracts for 12 months

This will be a cost of £81,840 including on costs, both officers can commence and complete the review of personal care and midday support payments, along with the annual review recovery plan. The posts will also aid our ambitions relating to transitions and promoting independence, employment, and achievement of EHC plan outcomes.

The full review is expected to achieve a significant cost reduction and benefit the DSG/HNB financial management plan recovery position.

Option 4: Extend a single contract for 6 months

This will be a cost of £20,460 including on costs, the officer can commence with the review of personal care and midday support payments for a targeted number of cases and support the delivery of the annual review recovery plan.

Option 5: Extend a single contract for 12 months

This will be a cost of £40,920 including on costs, the officer can commence with the review of personal care and midday support payments for a targeted number of cases and support the

delivery of the annual review recovery plan.

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.

N/A

Recommendation(s):

Option 3: Extend both contracts for 12 months

This will be a cost of £81,840 including on costs, both officers can commence and complete the review of personal care and midday support payments, along with the annual review recovery plan. The posts will also aid our ambitions relating to transitions and promoting independence, employment and achievement of EHC plan outcomes.

The full review is expected to achieve a significant cost reduction and benefit the DSG/HNB financial management plan recovery position.

This will deliver an overall saving with the monetary value that will be saved by reviewing personal care or midday support hours that are no longer in use. It will also enable the team to complete the annual review recovery plan and aid our ambitions relating to transitions and promoting independence, employment and achievement of EHC plan outcomes.

Implications:

*What are the **financial** implications?*

This report seeks the approval to extend two fixed term contracts for a period of 12 months from 1st March 2022 to 28 February 2023.

The total costs associated with this are **£81,840** including on costs, detailed in the table below:

	Financial Year		Total
	2021-22	2022-23	
POST 1	3,410	37,510	40,920
POST 2	3,410	37,510	40,920
Total	6,820	75,020	81,840

The costs will be funded from the use of the DSG Recovery Reserve. The current balance of this reserve is **£245,000**.

Vicki Hayes – Senior Accountant

What are the *legal* implications?

The content of the report and comments from finance are noted. Should the recommended option be approved then the service should be aware that if the fixed term contracts have continued for 2 years or more then on the expiry of the contract the 2 individuals will be entitled to a redundancy payment, the costs of which should also be factored in.

A review with a view to establishing permanent posts is recommended. The recruitment process should be open fair and transparent.

Radhika Aggarwal, Principal Employment Solicitor

What are the *procurement* implications?

Does the report relate to procurement matters?

What are the *Human Resources* implications?

If the option is to continue recruitment to FTC, at the point of contract expiry it will generate redundancy implications for the post holder if accumulation of more than 2 years' service results. Ending the FTC must be followed in line with council procedures ensuring redeployment opportunity is explored in the first instance.

Daksha Mistry, Senior HR Adviser

What are the *Children and Young People* Implications?

The recommendations have positive implications for children and young people as they propose a suitable review of any support arrangements on a child by child basis to ensure appropriate support is being provided, whilst encouraging independence and preparation for adulthood.

David Shaw, Assistant Director - SEND

Equality and Diversity Impact Assessment attached or not required because (please give reason)

N/A

What are the *property* implications

N/A

Risks:

N/A

Co-operative agenda

N/A

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with

Yes

the Council's Constitution?

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

Reason(s) for exemption from publication:

List of Background Papers under Section 100D of the Local Government Act 1972:

Title	Available from

There are no background papers for this report

Report Author Sign-off:	
Anthony Shaw David Shaw	
Date: 17th January 2022	

Please list and attach any appendices:-

Appendix number or letter	Description

In consultation with Director/Strategic Director

Richard Lynch, Director Education Skills and Early Years

Signed : _____ Date: 17th January 2022

